

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

- versus -

MUSTAPHA ABASS,

Defendants.

ORDER

10-CR-751

JOHN GLEESON, United States District Judge:

Mustapha Abass was sentenced by this Court on April 29, 2011.

On April 30, 2013 the Court received a letter from Abass, stating that he had returned to the United States from Ghana to testify in a federal criminal case in the Eastern District of Virginia. ECF No. 23. In the letter, Abass claims that he was promised a U-Visa in exchange for his cooperation in that matter and that he is being held unlawfully in an immigration facility. On May 3, 2013 I directed the Government to respond in writing to Abass's letter.

On May 10, 2013 the Government informed the Court that Abass violated the conditions of his parole into the United States by refusing to return to Ghana at the conclusion of the federal criminal case at which he testified. ECF No. 24. He was subsequently taken into immigration custody. The Government indicated that prior to Abass's refusal to return to Ghana, law enforcement agents in Virginia had begun exploring whether they could assist him in obtaining a visa to remain in the United States. But, in light of these events, the agents are no longer pursuing such relief on behalf of Abass. Finally, the Government informed the Court that

Abass is currently petitioning to remain in the United States under the Convention Against Torture and has a hearing date of June 24, 2013.

On May 13, 2013 I denied Abass's application for relief from this Court on the basis of the Government's response. However, I directed the Government to relay to the Court the terms pursuant to which Abass was paroled back into the United States and testified for the Government.

On May 14, 2013 the Court received another letter from Abass, claiming that he is receiving threats from other individuals incarcerated at the immigration facility.

On May 20, 2013 the Government informed the Court that Immigration and Customs Enforcement is currently attempting to locate the paperwork relating to Abass's parole. ECF No. 26. According to the Government, Abass has been offered access to free legal services in connection with his pending immigration proceedings.

The Court has also received a letter from Zachary Margulis-Ohnuma, the CJA attorney appointed to represent Abass in the above-captioned criminal matter in this Court. ECF No. 25. Margulis-Ohnuma has understandably asked to be reappointed to advocate on behalf of Abass with respect to the issues identified in his letter to the Court. Given the nature and location of the events giving rise to Abass's claim, it does not make sense to me to reappoint Margulis-Ohnuma. But in light of the circumstances set forth above, I do respectfully recommend that the Chief Judge of the United States District Court for the Eastern District of Virginia favorably consider appointing counsel for Abass in that district.

So ordered.

John Gleeson, U.S.D.J.

Dated: May 21, 2013
Brooklyn, New York